

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____/

This Order Relates To:

ALL CASES

_____/

ORDER ADOPTING REPORT AND RECOMMENDATION [1998]

On October 25, 2021, the Special Master filed an Evaluation of Opt-Out Forms Submitted in Connection with the Partial Settlement (referred to as a Report and Recommendation (“R&R”).¹ (ECF No. 1998.) In it, she reports that 195 opt-out forms were submitted timely, *i.e.*, received or post-marked on or before the March 29, 2021 deadline for opting out set forth in the ASA. (*Id.* at PageID.68632.) Of these 195, 44 do not meet the requirements of a valid opt-out for the reasons stated in the R&R. (*Id.*)

¹ Unless otherwise defined herein, all capitalized terms herein have the same meaning set forth in the Amended Settlement Agreement (“ASA”) to which the Court granted final approval on November 10, 2021. (ECF No. 2008.)

Of the 151 remaining, the Special Master determined that there are 112 individuals or entities that timely completed the opt-out form and have indicated that they intended to opt-out of the settlement class. (*Id.*) Based on the Declaration of Leslie Kroeger, who is counsel for the Class Plaintiffs, the 42 other individuals who submitted opt-out forms did so by mistake for the various reasons described in the R&R. The Special Master recommends that these 42 individuals, who are listed on paragraphs 4 and 5 of Kroeger’s Declaration, “be considered registrants who will be eligible to submit claim forms.” (*Id.* at PageID.68640–68641.)

The Court has carefully reviewed the R&R and concurs in its reasoning and result. The R&R is adopted. Accordingly, the 42 individuals described above are timely registrants and are eligible to submit claim forms.

IT IS SO ORDERED.

Dated: November 12, 2021
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 12, 2021.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager